

1 Brett L. Gibbs, Esq. (SBN 251000)  
2 Steele Hansmeier PLLC.  
3 38 Miller Avenue, #263  
Mill Valley, CA 94941  
415-325-5900  
[blgibbs@wefightpiracy.com](mailto:blgibbs@wefightpiracy.com)

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5 *Attorney for Plaintiff*  
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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION  
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11 BOY RACER, INC., ) **No. C-11-02833 EJD**  
12 Plaintiff, )  
13 v. )  
14 DOES 2-71, ) **[PROPOSED] ORDER GRANTING**  
15 Defendants. ) **PLAINTIFF'S APPLICATION FOR**  
16 ) **LEAVE TO TAKE DISCOVERY**  
17 ) **PRIOR TO RULE 26(f) CONFERENCE**  
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**ORDER GRANTING PLAINTIFF'S APPLICATION FOR LEAVE TO TAKE DISCOVERY  
PRIOR TO RULE 26(f) CONFERENCE**  
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The Court has reviewed Plaintiff's *Ex Parte* Application for Leave to Take Discovery Prior  
20 to Rule 26(f) Conference (DKT#3). Good cause and joinder appearing therefore, and for the reasons  
21 cited in Plaintiff's Application (DKT#3), said application is **GRANTED**. See *UMG Recordings v.*  
22 *Does 1-4*, 64 Fed. R. Serv.3d 305 (N.D. Cal. 2006). Plaintiff is hereby authorized to serve Rule 45  
23 subpoenas and a copy of this Order upon each and every Internet Service Provider (ISPs) identified  
24 in Exhibit A attached to the Complaint. The information sought shall be limited to information  
25 sufficient to identify each Defendant based on supplied IP addresses, including name, current (and  
26 permanent) address, telephone number, e-mail address, and Media Access Control address.  
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Each ISP so served shall, in turn, serve a copy of the subpoena and a copy of this Order upon the subscriber (whose identity is sought through the subpoena and for whom Plaintiff has provided an IP address) within five (5) days of the ISP's receipt of the subpoena. The subscribers shall then have fifteen (15) days from the date of service upon them to file any objections with this Court. If that 15-day period elapses without any subscriber filing an objection or motion to quash, the ISP served with the subpoena shall have ten (10) days after said lapse to produce each subscriber's name, address, telephone number, e-mail address, and Media Access Control addresses to Plaintiff pursuant to the subpoena.

The Court further orders that any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of prosecuting this litigation. Plaintiff and any entity which receives a subpoena shall confer, if necessary, with respect to the issue of payment for the information requested in the subpoena. If any entity subpoenaed pursuant to this Order wishes to move to quash the subpoena, it must do so before the return date of the subpoena, which shall be thirty (30) days from the date of service. It is ordered that the subpoenaed entity shall preserve any subpoenaed information pending the resolution of any timely-filed motion to quash.

This order disposes of Docket No. 3.

IT IS SO ORDERED.

DATED:

Edward J. Davila  
United States District Court Judge